

C.S., ET AL v. MCCRUMB, ET AL

DEPOSITION OF JESSICA LINFIELD

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

C.S. by her Next Friend, ADAM STROUB,

Plaintiff,

v

File No.
2:22-cv-10993-TGB-EAS

HON. TERRENCE G. BERG

CRAIG MCCRUMB, Individually and
in his official capacity as Superintendent
of Durand Area Schools and AMY LEFFEL,
Individually and in her official capacity
as Principal of Robert Kerr Elementary School
And MICHAEL PAPANEK Individually and
in his official capacity as On Track
Coach of Robert Kerr Elementary,

Defendants.

/

DEPOSITION OF JESSICA LINFIELD

Taken by the Defendants on the 23rd day of January, 2023,
at 215 West Clinton, Durand, Michigan, at 11:00 a.m.

APPEARANCES:

For the Plaintiff:	MR. JOHN R. MONROE (via video conference) John Monroe Law, PC 156 Robert Jones Road Dawsonville, Georgia 30534 (678) 362-7650
For the Defendants:	MR. DANIEL JOSEPH LoBELLO JR. (P81069) (via video conference) O'Neill Wallace & Doyle PC 300 Saint Andrews Road, Suite 302 Saginaw, Michigan 48638 (989) 790-0960

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1 Also Present: Adam Stroub
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3 RECORDED BY: Lori Johnston, CER 15628
Certified Electronic Recorder
Network Reporting Corporation
Firm Registration Number 8151
1-800-632-2720
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1 Durand, Michigan

2 Monday, January 23, 2023 - 10:20 a.m.

3 REPORTER: Do you solemnly swear or affirm that
4 the testimony you are about to give will be the whole truth?

5 MS. Linfield: Yes.

6 JESSICA LINFIELD

7 having been called by the Defendants and sworn:

EXAMINATION

9 BY MR. LOBELLO:

10 Q Will you state your full name for the record, please?

11 A Jessica Marie Linfield.

12 MR. LoBELLO: Let the record reflect that this is
13 the date and time scheduled for the deposition of Jessica
14 Marie Linfield, being taken pursuant to Notice and to be
15 used for all purposes under the Federal Rules of Evidence
16 and Federal Rules of Civil Procedure.

17 Q Ms. Linfield, my name is Dan LoBello. I'm here to ask you a
18 couple questions about a lawsuit that was filed on behalf of
19 your daughter with regard to an incident occurring at Robert
20 Kerr Elementary. Do you have knowledge of that incident?

21 A Yes.

22 Q Okay. Have you ever given a deposition before?

23 A No.

24 Q All right. Well, we just have some ground rules and they're
25 mainly for the very nice court reporter next to you's

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1 benefit. One of those rules is that if you can make sure
2 that your answers are verbal. I know that it's common to
3 shake your head or shrug your shoulders, say "unh-unh" or
4 "uh-huh," things like that. It makes it a little tough for
5 her to take that down.

6 A Okay.

7 Q The next rule is that if you're answering my question, I'm
8 assuming that you understood my question. But we ask
9 terrible questions all the time, so feel free to let me know
10 if you need me to rephrase the question or speak louder,
11 softer, whatever the case may be. Okay?

12 A Okay.

13 Q Finally, I don't anticipate that we'll be very long today.
14 But if you need to take a break for whatever reason, I would
15 just ask that if there's a question on the table that you
16 answer the question before we can take a break. Okay?

17 A Okay.

18 Q All right. Can you tell me your current address?

19 A [REDACTED] ..

20 Q Who do you live there with?

21 A I live with my daughter C.S., my fiance Adam Stroub, and
22 Adam Stroub's parents Penny and William Stroub.

23 MR. LoBELLO: And Lori, just for the purposes of
24 the record, if you can make sure that we say "C.S." in the
25 transcript rather than C.S.'s full name.

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1 REPORTER: Okay.

2 MR. LOBELLO: Thanks.

3 Q All right. And are you employed currently?

4 A No.

5 Q When was the last time that you were employed, if you were
6 at all?

7 A About four or five years ago.

8 Q Could you tell me about your education starting with high
9 school?

10 A In high school, I went to my freshman year then I was out
11 and I went and got my GED.

12 Q Any other formal education beyond high school?

13 A No.

14 Q Do you hold any licensing or certification through the State
15 of Michigan?

16 A No.

17 Q In terms of your daughter's schooling, who is responsible
18 for getting her ready and kind of being attuned to school
19 functions and things of that nature?

20 A That would be me.

21 Q Okay. Does Mr. Stroub have any input or does he participate
22 at all in kind of school-related activities?

23 A He does. Like, he goes to like -- she goes to basketball,
24 so he's involved in that. So certain activities, I guess
25 you would say.

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1 Q And to narrow down on the question, so are you then mainly
2 responsible for getting her ready for school, like, in the
3 beginning of the day?

4 A Yes.

5 Q Okay. And do you pick out the clothes that she wears or
6 does she pick that out on her own? How does that work?

7 A She picks out her own clothes.

8 Q And did she do that last year, for last school year as well?

9 A Yes.

10 Q I'm going to share my screen with you once I have a chance
11 here.

12 (Counsel shares document via video)

13 Q Can you see my screen?

14 A Yes.

15 Q Okay. Let me ask you this: Have you ever seen this
16 document or this newsletter before?

17 A Yes, I have.

18 Q And would it be typical for you to receive these types of
19 newsletter or correspondence from the school?

20 A Yes.

21 Q What was your understanding of what this newsletter was
22 informing parents on?

23 A Throughout the school they have, like, a spirit week type
24 thing they do. And depending on what that week is that
25 they're trying to do, like, this one would be "The Great

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1 **Kindness Challenge," they do stuff that kids can have fun**
2 **doing through the week that also allows them to get**
3 **donations for the kids dressing up for the week.**

4 **Q** And do you recall that hat day was scheduled for February
5 17th of last year?

6 **A** **Yes.**

7 **Q** And prior to that day had your daughter made any mention to
8 you about the hat that she was going to wear or did you guys
9 go shopping or make any arrangements in that regard?

10 **A** **No. She just knows we have, like, a pile of hats at home**
11 **that she's allowed to take whatever she wants.**

12 **Q** You broke up. I'm sorry. What did you say?

13 **A** **We have a pile of hats at home and she's allowed to take**
14 **whatever she wants out of the pile of hats.**

15 **Q** And the hat in question -- I'm sure you are familiar with
16 the hat that we're talking about if I say "the hat in
17 question"?

18 **A** **Uh-huh; yes.**

19 **Q** Thank you. And did she pick this out of the pile of hats or
20 how did she come to select that hat over any others?

21 **A** **That is her dad's hat that she had bought for his -- I**
22 **believe it was his birthday. So she asked if she could wear**
23 **her dad's hat. He has actually a few hats. But I said that**
24 **was fine if she wanted to wear his hat.**

25 **Q** And I guess in general, prior to February 17th of 2022, had

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1 you reviewed or received any handbook from the school as far
2 as dress code or handbook in general?

3 **A** **We get issued a handbook -- I guess more of a link to the**
4 **handbook online at the beginning of the school year.**

5 **Q** And before February 17th, had you reviewed the handbook at
6 all?

7 **A** **Yes.**

8 **Q** And are you familiar particularly with the dress code policy
9 for the school?

10 **A** **Yes.**

11 **Q** And when your daughter selected the hat that you said she
12 had purchased for your fiance, or Mr. Stroub, did that raise
13 any concerns for you as far as being an issue with the dress
14 code?

15 **A** **No.**

16 **Q** So when she went to school that day were you ever contacted
17 by the school?

18 **A** **The school contacted us in a couple hours after school**
19 **started, yes.**

20 **Q** And did they speak with you or Mr. Stroub first? Or how did
21 that work?

22 **A** **They spoke to Mr. Stroub.**

23 **Q** Did you ever talk to anybody at the school on that day?

24 **A** **No. I do not believe so, no.**

25 **Q** Did Mr. Stroub tell you what the school had called about?

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1 **A** **Yes.**

2 **Q** What did he say?

3 **A** **He said that the school wanted her to change her hat to a**
4 **hat they had had because they didn't agree with what the hat**
5 **had on it.**

6 **Q** Do you know whether Mr. Stroub brought her another hat or
7 whether he had that option?

8 **A** **He had the option, but he did not.**

9 **Q** All right. To your knowledge, did your daughter receive any
10 discipline from the school for wearing the hat?

11 **A** **I guess she was spoke to by Mr. Papanek, told the hat was**
12 **inappropriate and they told her to put it in her locker.**

13 **Q** She didn't receive, like, a detention or a suspension, or
14 anything like that?

15 **A** **No.**

16 **Q** Did she come home on that same day after school with the
17 hat?

18 **A** **Yes.**

19 **Q** And did she tell you anything about what had happened at
20 school?

21 **A** **Yes.**

22 **Q** What did she say?

23 **A** **She explained that the school had taken her hat from her and**
24 **that she was very upset about it. She pretty much explained**
25 **the whole thing to me, I guess you would say. So she told**

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1 me that she was stopped by Mr. Papanek and -- because she's
2 goes in and says "Hello" in the mornings because his office
3 is right across from her locker. She explained that he had
4 stopped her when he noticed her hat.

5 Q Okay. And did you or Mr. Stroub ever -- after the event
6 occurred, I should say -- did you and Mr. Stroub ever
7 schedule a meeting with Mr. Papanek or Ms. Leffel or anybody
8 at the school?

9 A **No.**

10 Q Did you or Mr. Stroub ever attend a board meeting where the
11 dress code was at issue or make any challenges to the dress
12 code after February 17th?

13 A **No.**

14 Q How about before February 17th?

15 A **No.**

16 Q I take it that your daughter still attends Robert Kerr
17 Elementary?

18 A **Yes.**

19 Q And prior to February 17th, had there been any incidents or
20 issues where she had to have discipline by the school?

21 A **No.**

22 Q And afterwards, how about any discipline or issues with her
23 teachers, anything like that?

24 A **No.**

25 Q Do you have any issues with your daughter's teachers as far

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1 as how they're doing their job or how the school's doing its
2 job?

3 **A No.**

4 Q Have your daughter's grades suffered at all or gotten better
5 or --

6 **A No.**

7 Q Do you believe that your daughter gets all the supports that
8 she needs through her schooling?

9 **A Yes.**

10 Q After February 17th, had you had any contact with the school
11 with regard to the hat for that day?

12 **A Like, did I talk to anyone about it at the school? Is that
13 what you're asking?**

14 Q Right. Did you or Mr. Stroub talk to anybody at the school
15 about the hat after that day?

16 **A No.**

17 Q Has your daughter had any other incidences with regard to
18 dress code after February 17th?

19 **A No.**

20 MR. LOBELLO: Ms. Linfield, I believe that's all I
21 have for you. Thank you for your time today.

22 MR. MONROE: I don't have any questions either.

23 (Deposition concluded at 10:33 a.m.)

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<p>A</p> <p>a.m 1:16 4:2 12:23 activities 6:22,24 Adam 1:3 2:1 5:21 5:22 address 5:18 affirm 4:3 ago 6:7 agree 10:4 allowed 8:11,13 allows 8:2 AMY 1:8 Andrews 1:23 answer 5:16 answering 5:7 answers 5:2 anticipate 5:13 anybody 9:23 11:7 12:14 APPEARANCES 1:17 Area 1:8 arrangements 8:9 asked 8:22 asking 12:13 assuming 5:8 attend 11:10 attends 11:16 attuned 6:18</p> <p>B</p> <p>basketball 6:23 beginning 7:3 9:4 behalf 4:18 believe 8:22 9:24 12:7,20 benefit 5:1 BERG 1:6 better 12:4 beyond 6:12 birthday 8:22 board 11:10 bought 8:21 break 5:14,16 broke 8:12 brought 10:6</p> <p>C</p> <p>C.S 1:3 5:21,24 C.S's 5:25 called 4:7 9:25 capacity 1:7,8,10</p>	<p>case 5:11 CER 2:2 certain 6:24 certification 6:14 Certified 2:3 Challenge 8:1 challenges 11:11 chance 7:10 change 10:3 Civil 4:16 Clinton 1:16 clothes 7:5,7 Coach 1:10 code 9:2,8,14 11:11 11:12 12:18 come 8:20 10:16 common 5:2 concerns 9:13 concluded 12:23 conference 1:19,22 contact 12:10 contacted 9:16,18 CONTENTS 3:1 Corporation 2:3 correspondence 7:19 Counsel 7:12 couple 4:18 9:18 court 1:1 4:25 CRAIG 1:7 current 5:18 currently 6:3</p> <p>D</p> <p>dad's 8:21,23 Dan 4:17 DANIEL 1:22 date 4:13 daughter 4:19 5:21 8:7 9:11 10:9 11:16 12:7,17 daughter's 6:17 11:25 12:4 Dawsonville 1:20 day 1:15 7:3 8:4,7 9:16,23 10:16 12:11,15 Defendants 1:11,15 1:22 4:7 depending 7:24 deposition 1:14 4:13 4:22 12:23</p>	<p>detention 10:13 discipline 10:10 11:20,22 DISTRICT 1:1,2 DIVISION 1:2 document 7:12,16 doing 8:2 12:1,1 donations 8:3 Doyle 1:23 dress 9:2,8,13 11:11 11:11 12:18 dressing 8:3 Durand 1:8,16 4:1 5:19</p> <p>E</p> <p>EASTERN 1:2 education 6:8,12 either 12:22 Electronic 2:3 Elementary 1:9,10 4:20 11:17 employed 6:3,5 event 11:5 Evidence 4:15 Examination 3:3 4:8 explained 10:23,24 11:3</p> <p>F</p> <p>familiar 8:15 9:8 far 9:1,13 11:25 February 8:4,25 9:5 11:12,14,19 12:10 12:18 Federal 4:15,16 feel 5:9 fiance 5:21 9:12 File 1:5 filed 4:18 Finally 5:13 fine 8:24 Firm 2:4 first 9:20 five 6:7 formal 6:12 four 6:7 free 5:9 freshman 6:10 Friend 1:3 full 4:10 5:25</p>	<p>fun 8:1 functions 6:19</p> <p>G</p> <p>G 1:6 GED 6:11 general 8:25 9:2 Georgia 1:20 getting 6:18 7:2 give 4:4 given 4:22 go 8:9 goes 6:23,23 11:2 going 7:10 8:8 gotten 12:4 grades 12:4 Great 7:25 ground 4:24 guess 6:24 8:25 9:3 10:11,25 guys 8:8</p> <p>H</p> <p>handbook 9:1,2,3,4 9:5 happened 10:19 hat 8:4,8,15,16,16 8:20,21,23,24 9:11 10:3,4,4,6,10 10:11,17,23 11:4 12:11,15 hats 8:10,13,14,19 8:23 head 5:3 Hello 11:2 high 6:8,10,12 hold 6:14 home 8:10,13 10:16 HON 1:6 hours 9:18</p> <p>I</p> <p>inappropriate 10:12 incidences 12:17 incident 4:19,20 incidents 11:19 Individually 1:7,8,9 informing 7:22 input 6:21 involved 6:24 issue 9:13 11:11 issued 9:3</p>	<p>issues 11:20,22,25</p> <p>J</p> <p>January 1:15 4:2 Jessica 1:14 4:6,11 4:13 job 12:1,2 John 1:18,19 Johnston 2:2 Jones 1:20 JOSEPH 1:22 JR 1:22</p> <p>K</p> <p>Kerr 1:9,10 4:20 11:16 kids 8:1,3 kind 6:18,22 Kindness 8:1 know 5:2,9 10:6 knowledge 4:20 10:9 knows 8:10</p> <p>L</p> <p>Law 1:19 lawsuit 4:18 Leffel 1:8 11:7 licensing 6:14 Linfield 1:14 4:5,6 4:11,14,17 12:20 link 9:3 little 5:4 live 5:20,21 LoBELLO 1:22 3:3 4:9,12,17 5:23 6:2 12:20 locker 10:12 11:3 long 5:13 Lori 2:2 5:23 louder 5:10</p> <p>M</p> <p>Marie 4:11,14 MCCRUMB 1:7 meeting 11:7,10 mention 8:7 MICHAEL 1:9 Michigan 1:2,16,24 4:1 5:19 6:15 Monday 4:2 Monroe 1:18,19</p>
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